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7 ELI BROWN and AMERICAN
7 TECHNOLOGIES NETWORKS, INC.
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9 UNITED STATES DISTRICT COURT
10
10 DISTRICT OF NEVADA

11 JOSE HERNANDEZ-GUTIERREZ, an
11 individual, and SANDRA RAMIREZ, an
12 individual,

Case No.:

13 Plaintiffs,

14 vs.

15 ELI BROWN, an individual, and
15 AMERICAN TECHNOLOGIES
16 NETWORKS, INC., a foreign Corporation,
16 and HERTZ VEHICLES, LLC, a foreign
17 Corporation, and DOES I through XX,
18 inclusive and ROE BUSINESS ENTITIES I
19 through XX, inclusive,

20 Defendants.

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22 STATEMENT CONCERNING REMOVAL (DIVERSITY JURISDICTION)

23 Pursuant to 28 U.S.C. § 1441 (b), Defendants ELI BROWN and AMERICAN
24 TECHNOLOGIES NETWORKS, INC. ("Removing Defendants"), by and through their
25 counsel of record, Josh Cole Aicklen, Esq., and David B. Avakian, Esq., of LEWIS
26 BRISBOIS BISGAARD & SMITH LLP, file this Statement Concerning Removal of Clark
27 County District Court Case No. A-16-748322-C, styled Jose Hernandez-Gutierrez and
28 Sandra Ramirez V. Eli Brown, American Technologies Networks, Inc., and Hertz

1 Vehicles, LLC, and states as follows:

2 1. On December 19, 2016, an action was commenced in the Eighth Judicial
 3 District Court, Clark County, State of Nevada, entitled Jose Hernandez-Gutierrez and
 4 Sandra Ramirez v. Eli Brown, American Technologies Networks, Inc., and Hertz Vehicles,
 5 LLC, ("State Court Action"). On January 18, 2017, Plaintiffs filed an Amended Complaint
 6 in the State Court Action. Copies of the Amended Complaint ("State Court Complaint")
 7 and Amended Summons are attached hereto and marked respectively as Exhibits A and
 8 B, constituting all of the papers and pleadings served on Removing Defendants.

9 2. On February 17, 2017, Plaintiffs served the Amended Summons and State
 10 Court Complaint on Removing Defendants.

11 3. Plaintiffs JOSE HERNANDEZ-GUTIERREZ and SANDRA RAMIREZ are
 12 citizens of Nevada. No properly named Defendant is a citizen of Nevada. Defendant ELI
 13 BROWN is, and was at the time this action commenced, a citizen of California. Defendant
 14 AMERICAN TECHNOLOGIES NETWORKS, INC. is, and was at the time this action
 15 commenced, a foreign corporation with its principal place of business in California.
 16 Defendant HERTZ VEHICLES, LLC is, and was at the time this action commenced, a
 17 foreign corporation with its principal place of business in Florida.

18 4. This is a civil action of which this Court has original jurisdiction pursuant to
 19 28 U.S.C. §1332, and is one which may be removed to this Court by Defendants ELI
 20 BROWN and AMERICAN TECHNOLOGIES NETWORKS, INC. pursuant to the
 21 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different
 22 states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest
 23 and costs.

24 5. Venue is appropriate in the Southern District of the United States District
 25 Court for the District of Nevada pursuant to 28 U.S.C. §§1333(b)(2) and (c), §1441(a);
 26 and LR IA6-1.

27 6. Plaintiff JOSE HERNANDEZ-GUTIERREZ issued a pre-litigation settlement
 28 demand in the amount of \$200,000.00 on September 12, 2016 with ongoing medical

1 treatment. Plaintiff SANDRA RAMIREZ issued a pre-litigation demand in the amount of
2 \$150,000.00 on September 12, 2016, and alleges ongoing medical treatment.
3 Accordingly, I am informed and believe that the amount in controversy in this case
4 exceeds \$75,000.00, exclusive of interests and costs.

5 8. Removing Defendants filed their Notice of Removal less than thirty (30)
6 days after receipt of service of Plaintiffs' Amended Summons and Amended Complaint.

7 9. This action was not commenced in State Court more than one year before
8 removal to this court.

9 10. Defendant HERTZ VEHICLES, LLC has consented to the removal of the
10 State Court Action.

11 DATED this 9th day of March, 2017.

12 Respectfully submitted,

13 LEWIS BRISBOIS BISGAARD & SMITH LLP

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15 By /s/ Josh Cole Aicklen
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22 Attorneys for Defendants ELI BROWN and
23 AMERICAN TECHNOLOGIES NETWORKS,
24 INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2017, a true and correct copy of the **STATEMENT CONCERNING REMOVAL (DIVERSITY JURISDICTION)** was served electronically through the Court's Electronic Service system and addressed as follows:

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